

Message Text

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ACTION ARA-14

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TO SECSTATE WASHDC PRIORITY 2861

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E.O. 11652: N/A
TAGS: SHUM, PA
SUBJ: BOGADO GONDRA CASE: SIX DEFENDANTS FOUND GUILTY AND SENTENCED

SUMMARY. PARAGUAYAN "JUSTICE" HAS FOUND THE SIX BOGADO GONDRA DEFENDANTS GUILTY OF SUBVERSION AND HAS SENTENCED THEM TO PRISON FOR TERMS RANGING FROM ONE TO TWO YEARS. ALL COULD SOON BE RE-LEASED; AND THERE IS A CHANCE THE GOP MAY ALLOW BOGADO TO GO INTO EXILE SO HE CAN AVAIL HIMSELF OF A SCHOLARSHIP OFFERED BY THE GERMAN EVANGELICAL CHURCH. THE CASE IS A PARTICULARLY GROSS EXAMPLE OF POLICE ABUSE OF CIVIL AND HUMAN RIGHTS AND OF THE CORRUPTION OF THE PARAGUAYAN JUDICIAL SYSTEM, BUT THE RELATIVELY LIGHT SENTENCES (AND THE EXPECTED EARLY RELEASE OF THE PRISONERS) SHOW AT LEAST SOME SENSITIVITY TO INTERNATIONAL OPINION AND TO THE CONCERN THIS EMBASSY HAS PRIVATELY EXPRESSED ABOUT THE CASE TO HIGH GOP OFFICIALS. END SUMMARY.

1. NINE MONTHS AFTER DRS. JUAN FELIX BOGADO GONDRA (32) AND JORGE HUMBERTO CANESE KRIVOSHEIN (30) WERE ARRESTED ALONG WITH 15 OTHERS ON APPARENTLY TRUMPED-UP CHARGES OF SUBVERSION, BOGADO, CANESE AND FOUR OTHER DEFENDANTS IN THE "BAGADO GONDRA" CASE WERE FOUND GUILTY AND SENTENCED UNDER LAW 209 ON APRIL 21. NINE OTHERS HAD BEEN RELEASED EARLIER, FOR WANT OF EVIDENCE. BOGADO RECEIVED A TWO YEAR SENTENCE,
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WHILE CANESE, JOSE NICOLAS MORINIGO ALCARAZ (30), ANTONIO VALENZUELA CANDIA (34), EDUARDO SCHAEERER (23) AND FRANCISCO OSCAR RODRIGUEZ CAMPUSANO (29) EACH GOT ONE YEAR. BOGADO'S SENTENCE WAS DOUBLE THE MINIMUM PROVIDED FOR UNDER LAW 209 BECAUSE HE HAD HAD A PREVIOUS ARREST FOR PARTICIPATING IN A STUDENT DEMONSTRATION AGAINST HELSON ROCKEFELLER IN 1969. RODRIGUEZ CAMPUSANO HAS BEEN OF INTEREST TO CERTAIN HUMAN

RIGHTS GROUPS IN WASHINGTON BECAUSE HE IS A PROTEGE OF PROFESSOR MIGUEL CHASE SARDI, WHO PICKED HIM TO WORK AS AN AGRICULTURAL ECONOMIST WITH THE INTER-AMERICAN FOUNDATION-SPONSORED PROJECT MARANDU-II.

2. UNDER PARAGUAYAN LAW ALL COULD BE FREED AT ONCE, UPON PAYMENT OF FINES. BUT LEGAL NICETIES HAVE NEVER BEEN VERY IMPORTANT IN THEIR CASE, AND EVEN THE JUDGE'S FINDING ON APRIL 21 WAS SERIOUSLY FLAWED FROM A LEGAL STANDPOINT.

3. THE ONLY "EVIDENCE" AGAINST THE DEFENDANTS WAS THE POLICE REPORT, CITING A STATEMENT ALLEGEDLY MADE BY JUAN MANUAL MARCOS ALVAREZ AND A "CONFESSION" SIGNED BY BOGADO GONDRA IMPLICATING THE OTHERS. EXCLUSIVE RELIANCE ON A POLICE REPORT RATHER THAN ON EVIDENCE GIVEN IN COURT IS NORMAL UNDER THE LOOSE TERMS OF LAW 209, BUT CITING MARCOS' STATEMENT WHICH HE MADE TO THE POLICE (UNDER DURESS) RATHER THAN TO THE JUDGE IS WITHOUT LEGAL PRECEDENT. TO AVOID TESTIFYING IN COURT MARCOS SOUGHT ASYLUM IN THE MEXICAN EMBASSY AND AFTER SEVERAL MONTHS WAS ALLOWED TO LEAVE THE COUNTRY IN DECEMBER.

4. THE EXTRACT BOGADO'S "CONFESSION" THE POLICE TORTURED HIM (ACCORDING TO EYEWITNESS REPORTS) AND THREATENED TO ARREST AND TORTURE HIS PREGNANT WIFE. HIS "CONFESSION," WIDELY CIRCULATED AND THE OBJECT OF DERISIVE SCORN AT A PROTEST MEETING CALLED BY HIS FELLOW PHYSICIANS, IS FULL OF PATENT ABSURDITIES
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AND CLAIMS, E.G., THAT BOGADO'S "COMMUNIST CELL" WAS SO SECRET NOT EVEN THE PARAGUAYAN COMMUNIST PARTY KNEW OF ITS EXISTENCE. BOGADO REPUDIATED THE "CONFESSION" DURING HIS TESTIMONY BEFORE THE JUDGE WHEN HE HAD HIS HEARING SOME MONTHS AGO.

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5. THE BOGADO GONDRA CASE IS A PARTICULARLY BLATANT EXAMPLE OF POLICE ABUSE OF HUMAN AND CIVIL RIGHTS AND OF JUDICIAL CORRUPTION IN PARAGUAY. NOT ONLY WAS THERE NO CONVINCING EVIDENCE EVER PRESENTED AGAINST THE GROUP (WHOSE MEMBERS OPENLY ADMIT TO BEING OPPONENTS OF THE STROESSNER REGIME AND SOME OF WHOM MAY WELL BE MARXISTS, BUT CLEARLY NOT TERRORISTS), BUT OFFICIAL SKULDUGGERY HAS BEEN AT PLAY FROM THE START. A VERY HIGH-RANKING GOVERNMENT OFFICIAL IN A POSITION TO KNOW THE FACTS HAS REPEATEDLY TOLD US THERE WAS NO EVIDENCE AGAINST ANY OF THE DEFENDANTS, AND EVEN DESCRIBED A CONTRETEMPS BETWEEN INTERIOR MINISTER MONTANARO AND THE JUDGE HANDLING THE CASE (BERNABE VALDEZ -- LOCALLY KNOWN AS THE MOST VENAL JUDGE IN THE COUNTRY) IN WHICH THE MINISTER AT ONE POINT ORDERED RODRIGUEZ CAMPUSANO RELEASED AND THE JUDGE RETORTED THAT HE ONLY TOOK ORDERS FROM STROESSNER'S PRIVATE SECRETARY, MARIO ABDO BENITEZ (WHO IS BELIEVED TO BE IN LEAGUE WITH INVESTIGATION POLICE CHIEF PASTOR CORONEL). IN OTHER WORDS, THE BOGADO GONDRA CASE WAS DIRECTLY AFFECTED BY THE LON-STANDING MONTANARO-CORONEL FEUD.

6. FURTHER EVIDENCE OF SKULDUGGERY WAS THE RELEASE SOME MONTHS AGO OF ADOLFO FERRIERA, AGAINST WHOM WERE PRNDING THE EXACT SAME "CHARGES" AS AGAINST BOGADO AND THE FIVE OTHERS WHO WERE SENTENCED APRIL 21. FERREIRA, HOWEVER, HAD GOOD COLORADO CONNECTIONS AND MONEY. HE IS THE NEPHEW OF THE PARAGUAYAN
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AMBASSADOR TO VENEZUELA, WHO REPORTEDLY PAID A HUGE RANSOM TO CORONEL AND THE JUDGE TO BUY HIS NEPHEW'S RELEASE.

7. THERE IS SPECULATION THAT THOSE GIVEN ONE YEAR SENTENCES MAY SOON BE RELEASED; AND WE UNDERSTAND THE GERMAN EMBASSY IS PRESSING THE GOP TO CONVERT BOGADO'S SENTENCE TO FOREIGN EXILE, IN WHICH CASE HE WOULD BE ABLE TO AVAIL HIMSELF OF A SCHOLARSHIP WHICH THE GERMAN EVANGELICAL CHURCH HAS OFFERED HIM TO PURSUE HIS MEDICAL STUDIES IN GERMANY. THIS OUTCOME, HOWEVER, MAY BE DELAYED IF THE PRISONERS' LAWYERS AND THE INTERFAITH CHURCH COMMITTEE HERE DECIDE TO APPEAL THE SENTENCES.

8. WE HAVE DISCUSSED THE BOGADO GONDRA CASE EXTENSIVELY WITH THE GOP, INCLUDING AT THE CABINET LEVEL, POINTING OUT THE NEGATIVE EFFECTS ON U.S. PRIVATE AND OFFICIAL OPINION OF ARRESTS WITHOUT CAUSE AND OF CONFIRMED USE OF TORTURE BY THE POLICE. WE CAN ONLY SPECULATE THAT OUT REPEATED EXPRESSIONS

OF CONCERN AND CONTEMPT MAY HAVE SPEEDED UP THE "JUDICIAL"
PROCESS, LIGHTENED THE UNWARRANTED SENTENCES, AND POSSIBLY
MAY YET RESULT IN THE EARLY RELEASE OF THESE MEN.

9. EXCEPT FOR THE INFORMATION CONCERNING MONTANARO IN PARAGRAPH
FIVE ABOVE, THIS REPORT MAY BE RELEASED TO INTERESTED INDIVIDUALS
OR ORGANIZATION.

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